

AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE AMBER ALERT LAW;  
PROVIDING FOR AN AMBER ALERT NOTIFICATION PLAN FOR THE PURPOSE OF  
RAPID DISSEMINATION OF INFORMATION RELATING TO ABDUCTION OF  
CHILDREN; PROVIDING A CRIMINAL PENALTY; DECLARING AN EMERGENCY.

H  
A  
F  
C  
/  
H  
J  
C  
/  
H  
B

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

1  
6

Section 1. SHORT TITLE.--This act may be cited as the "AMBER Alert Law".

&

Section 2. DEFINITIONS.--As used in the AMBER Alert Law:

1  
6  
1

A. "AMBER alert" means a declaration by the authorized requester that  
an abduction has occurred and that notifications and broadcasts should be made  
pursuant to the AMBER alert notification plan;

&  
S  
B

B. "authorized requester" means the person designated by the chief of  
the state police to implement the AMBER alert notification plan;

1  
1  
0  
P

C. "chief of the state police" means the director of the New Mexico  
state police division of the department of public safety;

a  
g  
e

D. "lead station" means an AM radio station that has been designated  
as the "state primary station" by the federal communications commission for the  
emergency alert system; and

1

E. "state police" means the New Mexico state police division of the  
department of public safety.

Section 3. STATE POLICE--AMBER ALERT NOTIFICATION  
PLAN--DECLARATION OF AMBER ALERT.--

A. The state police shall develop and implement an AMBER alert

notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant. The plan shall:

(1) provide a procedure for notifying the lead station by the authorized requester that an AMBER alert has been declared. The procedure shall include codes for use by the authorized requester in communicating with the lead station to prevent false alerts;

(2) provide a procedure in which other state and private print, radio, television or other media may alert the members of the public of the abduction;

(3) include a procedure for notifying the radio communications bureau of the communications division of the general services department that an AMBER alert has been declared. The bureau shall immediately transmit the notification and related information to all state field operations employees so that they may be aware and vigilant in the course of their regular activities;

(4) include a procedure for notifying all local and federal law enforcement agencies that an AMBER alert has been declared; and

(5) provide for dissemination of information about a child or a child's abductor to the lead station, the radio communications bureau and local law enforcement agencies when an AMBER alert has been declared.

B. The state police shall distribute the AMBER alert notification plan to all local law enforcement agencies and provide such training and other assistance as is necessary to ensure that the plan can be properly implemented.

C. The authorized requester may declare an AMBER alert when the requester has reason to believe that:

H  
A  
F  
C  
/  
H  
J  
C  
/  
H  
B  
  
1  
6  
  
&  
  
1  
6  
1  
  
&  
  
S  
B  
  
1  
1  
0  
P  
a  
g  
e  
  
2

(1) a child under the age of eighteen has been abducted by an unrelated person;

(2) the child is in imminent danger of serious bodily harm or death; and

(3) there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction.

D. Once an AMBER alert has been declared, only the authorized requester may terminate the AMBER alert.

#### Section 4. AMBER ALERT--INITIATION BY OTHER LAW ENFORCEMENT AGENCIES.--

A. The procedures for initiating an AMBER alert pursuant to the AMBER Alert Law are available to all law enforcement agencies in New Mexico; provided that nothing in that law prohibits a local law enforcement agency from developing and implementing its own similar notification plan; provided further that nothing in that act supercedes a provision or procedure in such a local notification plan.

B. If a law enforcement agency that has not developed and implemented its own similar plan desires that an AMBER alert be declared, it shall notify the authorized requester. The authorized requester shall declare an AMBER alert if, after evaluating the information, the authorized requester believes that the criteria for declaring an alert has been satisfied.

C. If an AMBER alert is initiated and there is information that the child's abductor may be traveling or has traveled across state lines, the authorized requester shall notify the other states or the Republic of Mexico in order for those governments

H  
A  
F  
C  
/  
H  
J  
C  
/  
H  
B  
1  
6  
&  
1  
6  
1  
&  
S  
B  
1  
1  
0  
P  
a  
g  
e  
3

to issue an alert. The state police shall work with all bordering states and the Republic of Mexico in order to establish agreements to carry out regional alerts.

Section 5. SUBMISSION OF FALSE INFORMATION--PENALTY.--A person who knowingly submits false information to a law enforcement agency regarding a child abduction is guilty of a petty misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.

Section 6. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

H  
A  
F  
C  
/  
H  
J  
C  
/  
H  
B  
  
1  
6  
&  
1  
6  
1  
  
&  
  
S  
B  
  
1  
1  
0  
P  
a  
g  
e  
  
4